

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARVIN JUNIUS SIMMONS, :  
Plaintiff :  
vs. : CIVIL NO. 1:CV-10-0771  
RONNIE HOLT, et al., : (Judge Caldwell)  
Defendants : (Magistrate Judge Blewitt)

*O R D E R*

AND NOW, this 7th day of February, 2011, upon consideration of the report and recommendation of the magistrate judge (doc. 25), filed January 6, 2011, to which no objections were filed, and upon independent review of the record, it is ordered that :

1. The magistrate judge's report is adopted.
2. This action is dismissed without prejudice for failure to prosecute and to comply with the Court's order of December 7, 2010.
3. The Clerk of Court shall close this file.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge